

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

PREPARED FOOD PHOTOS, INC., f/k/a ADLIFE)
MARKETING & COMMUNICATIONS CO., INC.,)
)
Plaintiff,)
)

v.

)
No. 6:24-cv-00351-
RRS-DGA

)
CLYDE'S CHICKEN KING, INC. d/b/a)
CHICKEN KING,)
)
Defendant.)

**AFFIDAVIT OF HEATHER CROSS IN SUPPORT OF DEFENDANT'S APPLICATION
FOR AWARD OF ATTORNEY FEES**

1. My name is Heather Cross, and I am currently enrolled as local counsel for Clyde's Chicken King, Inc., assisting Paul Alan Levy with the preparation of the Motion to Dismiss for Failure to State a Claim and Motion for Summary Judgment, appearing at Record Number 8 in the above-captioned matter.
2. I graduated from Paul M. Hebert Law School, Louisiana State University in 1999.
3. I am an active member of the Louisiana State Bar Association, and I am admitted to practice before all District Courts for the United States situated within the state of Louisiana, and also admitted to practice before the U.S. Court of Appeals for the Fifth Circuit.
4. I began my career as an attorney with Frilot Partridge Kohnke and Clements, in New

Orleans Louisiana, then practiced with the former Crawford-Lewis firm in Baton Rouge Louisiana. I left Crawford Lewis to form Donohue Patrick & Scott and practiced there for 15 years. After leaving Donohue Patrick and Scott, I began practicing at Baker Donelson in its Baton Rouge office.

5. Although I am not a patent attorney, during the time I practiced with Baker Donelson, I assisted in applying for and obtaining a patent for one of my clients, CrossWorks, LLC.
6. In 2017, I resigned from my employment at Baker Donelson in order to obtain ownership in CrossWorks, LLC where I worked as general counsel and managing director assisting in the marketing and sales of our patented CrossOver dredge, and in addition obtained expertise in government contracting on behalf of a woman-owned small business. As general counsel for CrossWorks I maintained my law license. I continue to maintain ownership interest in CrossWorks.
7. In 2018, I formed the Cross Law Firm, LLC, and currently practice with the firm as a solo practitioner in Baton Rouge, Louisiana.
8. My legal practice is devoted primarily to litigation matters in commercial arenas, including unfair trade practices, administrative licensing proceedings, insurance coverage and recovery, and other litigation matters involving small to midsize businesses.
9. My firm provides legal services on a flat fee, hourly, or contingency basis, depending on

the client's needs and the case's other complexities.







10. For cases involving commercial litigation in a single matter for a new client, my rates range from \$325 to \$350 per billable hour.
11. I accepted this representation on a pro-bono basis and was required to devote efforts and attention to this matter and forego billings on other matters. Although I have never litigated a copyright case and I am not an expert in copyright law, I was able to participate as local counsel I was able to associate Paul Levy, who has significant expertise in the subject matter
12. I assisted Mr. Levy in researching and drafting the motion for summary judgment referenced above in paragraph 1, complying with the local rules of court, negotiating the stipulation of dismissal ultimately obtained, preparing the application for an award of attorneys' fees, and providing other assistance to the client.
13. I have tracked the time devoted to this matter on my firm's practice management software. This time is reflected in the accompanying lodestar table in the memorandum seeking the award of fees.
14. My records show 11.9 billable hours attributable to this matter.

Pursuant to 28 U.S.C. § 1746, I hereby certify under penalty of perjury that the foregoing is true and correct. Executed May 14, 2024

Heather A. Cross (La. Bar. No. 26249)

Activities Export

05/14/2024
6:23 PM

Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
04/10/2024		Review Rough Draft of MSJ Memo by Levy, and make suggestions (1.0); Draft email to Mr. Levy Regarding Same (.5) Non-billable	100003-CLYDE'S CHICKEN KING, INC.-TRADEMARK DISPUTE Trademark Dispute	Heather Cross	1.50h	\$275.00	\$412.50	-
04/10/2024		Review Affidavits of Levy and Boudreaux and Statement of Material Fact prepared by Levy (.8); Exchange email with Mr. Levy regarding atty client privilege issue (.2) Non-billable	100003-CLYDE'S CHICKEN KING, INC.-TRADEMARK DISPUTE Trademark Dispute	Heather Cross	1.00h	\$275.00	\$275.00	-
04/10/2024		Review draft Motion for Prohac Vice prepared by Levy Non-billable	100003-CLYDE'S CHICKEN KING, INC.-TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.30h	\$275.00	\$82.50	-
04/11/2024		TCW Kyle Dejean, original counsel for client regarding status of the litigation (.5); TCW Paul Levy regarding MSJ and Prohac Vice along with finalizing for submission (.5) Non-billable	100003-CLYDE'S CHICKEN KING, INC.-TRADEMARK DISPUTE Trademark Dispute	Heather Cross	1.00h	\$275.00	\$275.00	-
04/12/2024		Review Motion to Dismiss, Memo in Support, Affidavits with attachments and proposed order and finalize same for submission to the Court (.8) Non-billable	100003-CLYDE'S CHICKEN KING, INC.-TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.80h	\$275.00	\$220.00	-
04/12/2024		Transmit copy of ProHac Vice and MSJ Filing to Levy (.2)	100003-CLYDE'S CHICKEN KING, INC.-	Heather Cross	0.20h	\$275.00	\$55.00	-
					11.90h		\$1,815.00 6.60h	\$1,855.00 5.30h

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
04/12/2024	Non-billable	Transmit MSJ and all attachment to Kyle DeJean (outside counsel for client).	TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.20h	\$275.00	\$55.00	-
04/12/2024	Non-billable	Review Notice of Setting issued by the WDLA, and transmit same to Levy with deadlines for response (.2); Exchange additional email with Levy and Kyle DeJean regarding same (.2)	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.40h	\$275.00	\$110.00	-
04/15/2024	Non-billable	Review Order enrolling Paul Levy	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.20h	\$275.00	\$55.00	-
04/15/2024	Non-billable	Review email traffic between Paul Levy and Daniel DeSouza regarding proposed resolution (.2); Exchange email with Levy and Nick Sansone regarding stipulation of dismissal and Motion to Dismiss with Prejudice (.3); Review fifth circuit precedent forwarded by Levy (.3)	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.80h	\$275.00	\$220.00	-
04/16/2024	Non-billable	Review draft dismissal prepared by DeSouza (.2); Contact Judge's Chambers and review local rules pertaining to the necessity of	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.70h	\$350.00	-	\$245.00
					11.90h		\$1,815.00 6.60h	\$1,855.00 5.30h

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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
04/17/2024		separate dismissal order (.3); Make proposed revisions to dismissal and forward to Paul Levy for review and input (.2) 	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.20h	\$275.00	\$55.00	-
04/18/2024		Review updated stipulation and exchange email with all counsel regarding same 	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.50h	\$350.00	-	\$175.00
04/19/2024		Exchange Email with all counsel confirming and agreeing to language of dismissal. 	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.50h	\$350.00	-	\$175.00
04/25/2024		Review the updated stipulation forwarded by Plaintiff's counsel and exchange email with all counsel regarding same 	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.50h	\$350.00	-	\$175.00
05/03/2024		Review correspondence from plaintiff regarding position on settlement demand regarding fees and exchange email regarding same with Paul Levy 	100003-CLYDE'S CHICKEN KING, INC.- TRADEMARK DISPUTE Trademark Dispute	Heather Cross	0.50h	\$350.00	-	\$175.00
05/14/2024		LRC 5th Circuit standards for evaluating reasonableness of fee	100003-CLYDE'S CHICKEN KING, INC.-	Heather Cross	2.60h	\$350.00	-	\$910.00
					11.90h		\$1,815.00	\$1,855.00
							6.60h	5.30h
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Date	Type	Description	Matter	User	Qty	Rate (\$)	Non-billable (\$)	Billable (\$)
		awards (1.0); TCW Paul Levy regarding same (.3) and review of draft memorandum in support of motion for attorneys fees (.4); prepare affidavit in support of motion (.6); Email to Paul Levy regarding research memo and updated time entries for memorandum (.3)	TRADEMARK DISPUTE Trademark Dispute					
		● Unbilled			11.90h	\$1,815.00 6.60h	\$1,855.00 5.30h	